

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

GWACS ARMORY, LLC)	
)	
Plaintiff,)	
)	
v.)	
)	
KE ARMS, LLC, RUSSELL PHAGAN, SINISTRAL SHOOTING)	Case No.:20-cv-0341-CVE-SH BASE FILE
TECHNOLOGIES, LLC, BROWNELLS, INC., and SHAWN NEALON,)	Consolidated with: Case No. 21-CV-0107-CVE-JFJ
)	
Defendants.)	
and)	
)	
KE ARMS, LLC,)	
Plaintiff,)	
v.)	
GWACS ARMORY, LLC, GWACS DEFENSE INCORPORATED, JUD)	
GRUDEL, RUSSEL ANDERSON, DOES I through X, and ROE CORPORATIONS I)	
through X,)	
Defendants.)	

**DECLARATION OF ALEANDER CALAWAY IN SUPPORT OF DEFENDANTS'
MOTIONS FOR: (A) LEAVE TO SUPPLEMENT THEIR DISPOSITIVE MOTION
BRIEFING (DKT. 117, 118, 119, 120, 159, 160, 161, 162) WITH EVIDENCE WITHHELD
BY PLAINTIFF IN DISCOVERY; AND (B) SPOLIATION SANCTIONS**

Alexander Calaway, declares as follows:

1. I am counsel of record for defendants in the above-reference matter and I am competent to testify as to the facts stated herein in a court of law and will so testify if called upon.
2. I make this declaration in support of the defendants' motion for leave to supplement their dispositive motion briefing (Dkt. 117, 118, 119, 120, 159, 160, 161, 162) with evidence

withheld by plaintiff in discovery. I also make this declaration in support of defendants' motion for spoliation sanctions against plaintiff.

3. **Exhibit 1** is a true and correct copy of KE Arms, LLC's ("KEA") Second Request for Production of Documents served on November 24, 2021.

4. **Exhibit 2** is a true and correct copy of GWACS Armory, LLC's ("Armory") Responses the KEA's Discovery Requests served on December 27, 2021.

5. **Exhibit 3** is a true and correct copy of my letter to Armory's counsel dated January 3, 2022.

6. **Exhibit 4** is a true and correct copy of KEA's Amended Second Request for Production of Documents served on February 10, 2022.

7. **Exhibit 5** is a true and correct copy of Armory's Responses the KEA's Discovery Requests served on March 1, 2022.

8. **Exhibit 6** is a true and correct copy of a letter to Armory's counsel dated July 20, 2022. As of the date of this filing, Armory's counsel has not responded to this letter nor my requests to confer.

9. **Exhibit 7** is a true and correct copy of an email exchange with Armory's counsel dated October 18, 2022. As of the date of this filing, Armory's counsel has not responded to this email nor my requests to confer.

Executed on this 23rd day of November 2022.

/s/ *Alexander Calaway*
Alexander Calaway